

AMENDMENT TO THE DRAWINGS

In FIG. 1, a line has been removed in the stick portion of the corn dog so that the cross-sectional shape of the stick is not indicated by FIG. 1.

In FIG. 2, apertures 20 have been drawn to have horizontally oriented rectangular shape.

In FIG. 2A, apertures 20A have been drawn to have an oval shape.

In FIG. 2B, apertures 20B are drawn to have a diamond shape.

In FIG. 2C, apertures 20C are drawn to have and a vertically oriented rectangular shape.

REMARKS

This Amendment is in response to the Office Action dated May 10, 2007, in which claims 1-18 were rejected. With this Amendment, claims 1, 5, 10, 11, and 12 have been amended. Claims 1-18 are presented for reconsideration and allowance.

In the Office Action, the Amendment filed April 3, 2007 was objected to on the basis that FIGS. 1 and 2 submitted with the Amendment introduced new matter. With this Amendment, a new set of Replacement Drawings is submitted. The alleged new matter identified in the Office Action has been addressed with the changes to FIGS. 1 and 2, and the addition of FIGS. 2A-2C.

In FIG. 1, the central line in the stick portion of the corn dog has been removed, so that the cross-sectional shape of the stick is not identified. As originally filed, FIG. 1 was based upon a photograph. The clarity of the photograph made it difficult to identify that the cross-section of the stick was in fact rectangular. Original FIGS. 2 and 3 showed that the apertures were rectangular in shape, which would imply that the cross-section of the corn dog stick was also rectangular. However, in order to avoid any suggestion that FIG. 1 adds new matter, the center line of the corn dog stick has been removed so that the shape of the corn dog stick is not identified in FIG. 1.

FIG. 2 was objected to because it included positioning of an oval, diamond, and a vertically oriented rectangular aperture on one of the sloped sides of the support. These apertures had been included in FIG. 2 in order to provide visual support in the figures for claims 7, 8, and 9 as originally filed.

With this Amendment, all three apertures 20 shown in FIG. 2 are horizontally oriented rectangular apertures. FIG. 2A has been added to show three oval shaped apertures 20A. FIG. 2B has been added to show three diamond shaped apertures 20B. FIG. 2C has been added to show three vertically oriented rectangular apertures 20C. With these replacement drawings, support for claims 7-9 and 13-15 has been provided, and no new matter as to positioning has been added. The apertures shown in FIGS. 2A-2C are shown in exactly the same place as the apertures in FIG. 2, which is consistent with

the original FIG. 2 based upon a photograph. As a result of the amended drawings, the objection to the drawings should be withdrawn and the objections to claims 7 and 8 should also be withdrawn.

Claim 11 was rejected under 35 U.S.C. § 112 second paragraph. Claim 11 has been amended to resolve the antecedent basis issue that was raised. The rejection of claim 11 under 35 U.S.C. § 112 should be withdrawn.

Claims 1-4 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sperl U.S. Patent No. 2,969,011. With this Amendment, independent claim 1 has been amended to indicate that the generally angled support is inclined with respect to the base, and that the aperture is positioned so that the stick or skewer is generally horizontal and parallel to the base and the food is suspended in the air and is not in contact with any surface of the baking tray. Sperl shows a platter or dish 5 with an inclined socket that receives the distal end of skewer 8. The aperture of socket 7, however, is oriented so that the skewer is oriented at an inclined angle, as illustrated in FIG. 1.

As amended, independent claim 1 and dependent claims 2-4 and 9 are not anticipated by Sperl. The rejection under 35 U.S.C. § 102(b) should be withdrawn.

Claims 1-4, 9-11, and 15-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Neyman et al. U.S. Patent No. 4,724,753. Both independent claim 1 and independent claim 10 have been amended to clarify that the support is inclined with respect to the generally horizontal base. Neyman shows a vertical post 11, which is not inclined with respect to a base. As amended, claims 1-4, 9-11, and 15-18 are not anticipated by Neyman, and the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sperl. As amended, independent claim 1 is neither taught nor suggested by Sperl. Nor are dependent claims 7 and 8 taught nor suggested by Sperl. The rejection under 35 U.S.C. § 103(a) should be withdrawn.

Claim 7, 8, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Neyman. These claims are allowable for the same reasons as independent claims 1 and 10, from which they depend. The rejection of claim 7, 8, 13, and 14 should be withdrawn.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sperl in view of Murphy U.S. Patent No. 4,589,333. Claim 5 has been amended to clarify the nature of the triangular shape of the support. Murphy shows a barbeque grill with a triangular top 13. In the present invention, the triangular shape is formed by two inclined sloped sides that form an apex at an upper end, much like a roof or tent. A support of the type defined in dependent claim 5 is neither taught nor suggested by Murphy, and is not taught by Sperl. The rejection of claim 5 under 35 U.S.C. § 103(a) should be withdrawn.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sperl in view of Blair U.S. Patent No. 2,714,465. As amended, Sperl does not teach the baking tray defined in independent claim 1, and Blair does not supply the teaching that is missing from Sperl. Nor is it clear how Sperl could be combined with Blair in such a way that the invention of either claim 1 or dependent claim 6 could be obtained. The rejection of claim 6 under 35 U.S.C. § 103(a) should be withdrawn.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Neyman. Claim 12 depends on independent claim 10, and has been amended in a manner similar to dependent claim 5. Neither independent claim 10 nor dependent claim 12 is taught or suggested by Neyman. The rejection of claim 12 under 35 U.S.C. § 103(a) should be withdrawn.

In conclusion, this Amendment has placed the application in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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